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7 Attorney for Plaintiff
8 ZACHARIAH JUDSON RUTLEDGE

9 UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION

12 * * * * *

13 ZACHARIAH JUDSON RUTLEDGE,) CASE NO.: CV 07-04274 CW

14 Plaintiff,)

15 **CASE MANAGEMENT**
16 **STATEMENT**

17 vs.)

18 COUNTY OF SONOMA, MICHAEL)
19 POTTS, RUSSEL L. DAVIDSON,)
20 JAMES PATRICK CASEY, CHRISTINE)
21 M. COOK, BEAU R. MARTIN,)
22 J. MICHAEL MULLINS, STEPHAN R.)
23 PASSALACQUA, GREG JACOBS,)
24 SONOMA COUNTY SHERIFF'S)
25 DEPARTMENT, SONOMA COUNTY)
26 DISTRICT ATTORNEY'S OFFICE,)
and DOES 1 through 40.)

Defendants.)

1 The following Case Management Statement has been circulated to all parties to this
2 action. Since this Case Management Statement is tardy, and the opposing parties have not had
3 reasonable time to review it and to respond, Plaintiff is filing this statement for the plaintiff
4 only.

5
6 1. **Jurisdiction and Service:** This Court has jurisdiction over this action under the
7 provisions of 42 U.S.C. § 1983.

8 Venue in this Court is proper under 28 U.S.C. § 1391(e) because a substantial part of the
9 events or omissions giving rise to the claim occurred in California and also is proper under
10 subsection (e) since defendants in the action reside within this district, and the plaintiff resided
11 within this district at the time of the incident.

12 All parties have been served.

13
14 2. **Facts:** In the underlying criminal case, People v. Rutledge, Sonoma County Superior
15 Court case number MCR-443363 and related case no. SCR32528 (hereinafter “underlying
16 criminal matter”), Plaintiff, Zachariah Rutledge was acquitted of all charges connected to a
17 1998 murder of two Russian River-area men, ending a four-year legal battle. During the
18 investigation and prosecution of the underlying criminal matter, the police and prosecutors
19 engaged in prosecutorial misconduct, which included misleading the magistrate, falsification,
20 fabrication and concealment of evidence. At one point, the underlying criminal matter was
21 dismissed after a criminalist admitted that he gave false testimony about the prosecution’s key
22 evidence and laboratory tests during a preliminary hearing. Nonetheless, prosecutors re-filed
23 the charges and the case reached trial. Jurors took less than two days to return a verdict of not
24 guilty on all counts in the underlying criminal matter.

25 This case also addresses the defendants’ actions involving an ongoing practice of
26 withholding and concealing exculpatory evidence in criminal matters.

1
2 3. **Legal Issues:** Whether the Plaintiff is entitled to damages pursuant to 42 U.S.C. § 1983, and
3 related state causes of action.

4
5 4. **Motions:** Defendants' Rule 12(b)(6) motion is pending.

6 5. **Amendment of Pleadings:** Issues connected to potential amendments to the pleadings
7 will be decided by the ruling on the pending Rule 12(b)(6) motion.

8
9 6. **Evidence Preservation:** The majority of the evidence has been preserved in the Court
10 files connected to the underlying criminal matter.

11
12 7. **Disclosures:** Neither party has provided initial disclosures pursuant to Rule 26.

13
14 8. **Discovery:** Plaintiff is prepared to make available, for inspection and copying, all
15 documents and papers in his possession that are connected to this case.

16
17 9. **Class Actions:** Not Applicable.

18
19 10. **Related Cases:** None.

20
21 11. **Relief:** Plaintiff seeks damages.

22
23 12. **Settlement and ADR:** Prospects for settlement in this matter is unlikely, due to the
24 nature of the case.

1 13. **Consent to Magistrate Judge For All Purposes:** The matter has been assigned to
2 Hon. Claudia Wilken.

3
4 14. **Other References:** This matter is unsuitable for reference or binding arbitration, due
5 to the nature of the case.

6
7 15. **Narrowing of Issues:** A hearing and ruling on Defendants' Rule 12(b)(6) motion is
8 pending. The issues may be narrowed upon the Court's ruling on Defendants' motion.

9
10 17. **Scheduling:** The Court's ruling on Defendants' Rule 12(b)(6) motion is pending.

11
12 18. **Trial:** The estimated length of the trial is unknown at this stage of the case.

13
14 19. **Disclosure of Non-party Interested Entities or Persons:** Neither party has filed the
15 "Certification of Interested Entities or Persons" required by Civil Local Rule 3-16. Pursuant to
16 Civil L.R. 3-16, the undersigned plaintiff certifies that as of this date, other than the named
17 parties, there is no such interest to report.

18
19
20 Respectfully Submitted,

21 Dated: June 11, 2008

22 _____/s/_____

23 Editte Lerman
24 Attorney for Plaintiff
25 Zachariah Rutledge
26

DECLARATION OF SERVICE

I, Editte D. Lerman, declare as follows:

I am a resident of the State of California, residing or employed in Mendocino, California.
I am over the age of 18 years and am not a party to the above-entitled action. My business address is 45060 Ukiah Street P.O. Box 802, Mendocino C.A. 95460.

On June 11, 2008,

CASE MANAGEMENT STATEMENT

was filed and served upon the following parties via the Court's PACER-ECF electronic filing system.

Attorneys for Defendant Michael Potts

EDMUND G BROWN, JR.

Attorney General of the State of California

JOHN P. DEVINE, ESQ.

Deputy Attorney General of the State of California

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Attorneys for Defendants County of Sonoma, Sonoma County Sheriff's Department, Sonoma County District Attorney's Office, Stephan Passalacqua, J. Michael Mullins, Greg Jacobs, Christine M. Cook, Russel L. Davidson, James Patrick Casey, and Detective

Beau M. Martin

Michael D. Senneff

Bonnie A. Freeman

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Santa Rosa, CA 95402-3729

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 11th day of June, 2008, at Mendocino, California.

-----/s/-----
Editte Lerman